	Application No.	Applicant(s)
Notice of Allowability	10/053,843	FELLENSTEIN ET AL.
	Examiner	Art Unit
	Freda A. Nelson	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *After-final amendment of 7/16/07 and Telephone interview of 8/27/07* .

2. ☒ The allowed claim(s) is/are *1-18*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

         3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

     * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

     (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

         1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

     (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *7/27/07* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

Response to Amendment

The amendment received on July 18., 2007 is acknowledged and entered. No

claims have been added. Claims 1-18 are currently pending.

The drawings filed on March 12, 2001 are accepted by the Examiner.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Andrew M. Calderon (Reg. No. 38,093) on August 27, 2007.

The application has been amended as follows:

IN THE CLAIMS

1. (Currently Amended) A method for determining a per-point price for data

processing services using a computing device, comprising the steps of:

for each unit of a plurality of units of data processing services, determining a

level of environmental complexity, a level of change, and a type of environment;

for each unit of the plurality of units, assigning points to the unit responsive to its

each of level of environmental complexity, level of change, and type of environment, as

determined, and summing the assigned points to provide a count of points for the unit;

summing the counts of points for all the units of the plurality of units to provide a

total number of points for the data processing services;

dividing a baseline price for the data processing services by the total number of

points to provide a per-point price; and one of:

responding to a customer request by providing the per-point price for data

processing services; and

specifying to a customer the per-point price for data processing services.

8. (Currently amended) A method for determining a per-point price for data processing

services using a computing device, comprising the steps of:

for each unit of a plurality of units of data processing services, selecting a level of

environmental complexity from a plurality of predetermined levels of environmental

complexity, selecting a level of change from a plurality of predetermined levels of

change, and selecting a type of environment from a plurality of predetermined types of

environments;

for each unit of the plurality of units, assigning points to the unit responsive to its

each of selected level of environmental complexity, level of change, and type of

environment, and summing the assigned points to provide a count of points for the unit;

summing the counts of points for all the units of the plurality of units to provide a

total number of points for the data processing services;

dividing a baseline price for the data processing services by the total number of

points to provide a per-point price; and one of:

responding to a customer request by providing the per-point price for data

processing services; and

specifying to a customer the per-point price for data processing services.

10. (Currently amended) A method for adjusting a baseline price of data

processing services when a unit is added using a computing device, comprising the

steps of:

determining, from a baseline price, a per-point price for data processing services;

determining a level of environmental complexity, a level of change, and a type of

environment for a unit to be added to the data processing services;

determining a count of points for the unit to be added, using each of the level of

environmental complexity, level of change, and type of environment;

determining an adjustment to the baseline price for adding the unit, using the per-

point price and the count of points for the unit; and

adjusting the baseline price using the adjustment;

and one of: responding to a customer request by providing the per-point price for

data processing services; and

specifying to a customer the per-point price for data processing services.

Allowable Subject Matter

Claims 1-18 are allowed.

The following is an examiner's statement of reasons for allowance:

1.   As per independent claims 1, 8, and 10, the best prior art, Yamazaki (US PG

Pub. 2002/0040334) and Miller (US Patent Number 6,338,043) does not disclose or

fairly teach:

for each unit of the plurality of units, assigning points responsive to each of level

of environmental complexity, level of change, and type of environment, as determined,

and summing the assigned points to provide a count of points for the unit;

summing the counts of points for all the units of the plurality of units to provide a

total number of points for the data processing services;

dividing a baseline price for the data processing services by the total number of

points to provide a per-point price; and one of:

responding to a customer request by providing the per-point price for data

processing services; and

specifying to a customer the per-point price for data processing services.

2.   The best NPL prior art, "EDI Hitting Stride in data Entry", fails to disclose: a

computer adapted to:

for each unit of the plurality of units, assigning points responsive to each of level

of environmental complexity, level of change, and type of environment, as determined,

and summing the assigned points to provide a count of points for the unit;

summing the counts of points for all the units of the plurality of units to provide a total number of points for the data processing services;

dividing a baseline price for the data processing services by the total number of points to provide a per-point price; and one of:

responding to a customer request by providing the per-point price for data processing services; and

specifying to a customer the per-point price for data processing services.

3.   The best foreign art, Ishikawa et al. JP 2000339147 while disclosing a system for supporting estimation of software development costs and recording medium fails to disclose:

for each unit of the plurality of units, assigning points responsive to each of level of environmental complexity, level of change, and type of environment, as determined, and summing the assigned points to provide a count of points for the unit;

summing the counts of points for all the units of the plurality of units to provide a total number of points for the data processing services;

dividing a baseline price for the data processing services by the total number of points to provide a per-point price; and one of:

responding to a customer request by providing the per-point price for data processing services; and

specifying to a customer the per-point price for data processing services.

perform a regression analysis using said historical critical gate dimensions as independent variables and said historical costs as dependent variables, wherein said regression analysis produces relationship curves that only show relationships between said historical critical gate dimensions and said historical costs; and

calculate product costs of said new device based on said user inputs and said relationship curves

The remaining dependent claims are considered allowable, as they are dependent and based off of an allowable independent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
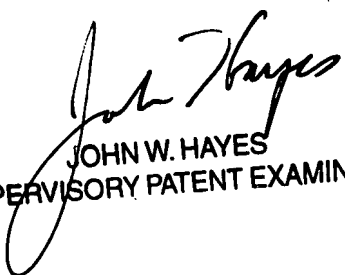
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300.**

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

FAN 08/31/2007

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER